

REMARKS

This paper is filed in response to the official action dated September 5, 2008 (hereafter, the "official action"). This paper is timely filed as it is accompanied by a petition for extension of time and authorization to charge our credit card account in the amount of the requisite fee. The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed, or which should have been filed herewith, to our Deposit Account No. 13-2855, under Order No. 30873/300367.

Claims 32-97 are pending. By the foregoing, claims 32, 43, 48, 49, 51, 65, 74, and 97 have been amended to address matters of form and/or typographical errors, and claims 47, 76, 77, and 81 have been canceled without prejudice or disclaimer. Additionally, an enlarged version of the synthetic route provided on page 22 of the specification has been provided. No new matter has been added.

The enlarged version of the synthetic route addresses the objection to the specification at page 2 of the action. It is respectfully requested that the objection be removed.

The amendments to claims 74 and 97 overcome the objections to claims 74 and 97 at page 2 of the action. It is respectfully requested that the objections be removed.

The cancellation of claim 47 renders the objection to claim 47 at page 8 of the action moot. The amendment to claim 48 overcomes the objection to claim 49 at page 8 of the action. The cancellation of claims 76, 77, and 81 renders the objections to these claims at page 9 of the action moot. It is respectfully requested that the objections be removed.

The various bases for the claim rejections are addressed below in the order presented in the official action. Reconsideration of the application is solicited in view of the following remarks.

CLAIM REJECTIONS -- 35 U.S.C. §112, SECOND PARAGRAPH

Claims 76, 77, 81, and 87-90 have been rejected as assertedly indefinite. The applicants respectfully submit that the rejections of claims 76, 77, and 81 are moot in view of their cancellation.

Claims 87-90 have been rejected as assertedly indefinite for reciting the term “substantially.” Relative terminology does not automatically render a claim indefinite. *See MPEP §2173.05 (b).* In this instance, the applicants respectfully submit that the term “substantially” as it modifies “conjugated” in claims 87-90 would be readily understood by one of ordinary skill in the art in view of the application disclosure.

For example, at pages 5-6, the application discloses:

Mixing of the triplet energy levels also may be useful for controlling the colour of phosphorescent emission. This mixing involves the formation of an intermediate energy level that is between the T1 level of the polymer or oligomer and the T1 level of the organometallic group. In particular, the nature of the polymer or oligomer and the conjugation length of the polymer or oligomer can be used to control the colour of phosphorescent emission. For example, one or more fluorene repeat units in the polymer or oligomer can be used to red shift the emission of an organometallic comprising a phenyl pyridine ligand.

Generally, an increase in the extent of conjugation in a material can be said to lower the triplet energy level of that material. As such, controlling the extent of conjugation in the present material can be a useful method of controlling at least partially the triplet energy levels. In this regard, in one embodiment, it is preferred that the backbone of the polymer or oligomer is partially conjugated, more preferably substantially or even fully conjugated in order to control to some extent the triplet energy level of the polymer or oligomer.

In order to increase conjugation of the polymer or oligomer, it is preferred that the polymer or oligomer comprises an aryl or heteroaryl repeat unit, for example a fluorene or phenyl group, such as a phenylene vinylene group. Thus, in one embodiment, the present material preferably comprises a polyfluorene or polyphenylene, most preferably a polyfluorene homopolymer/oligomer or higher order polymer/oligomer such as a copolymer/oligomer.

Accordingly, the applicants respectfully submit that claims 87-90 are definite because one skilled in the art would readily understand the bounds of the term “substantially conjugated” when read in light of the specification.

CLAIM REJECTIONS -- 35 U.S.C. §§102 & 103

Claims 32-97 have been rejected as assertedly anticipated by U.S. Patent Publication US 2002/0193532A1 to Ikehira *et al.* (“Ikehira”). Additionally, claims 32-97 have been rejected as assertedly obvious over Ikehira. The applicants respectfully traverse the rejections.

Ikehira was filed May 25, 2002, which is less than one year before the April 24, 2003, effective U.S. filing date of the instant application. Additionally, Ikehira published December 19, 2002, which is also less than one year before the filing date of the pending application.

Therefore, Ikehira is merely prior art under 35 U.S.C. §§102(a) and (e), and the applicants can antedate Ikehira by a suitable 37 C.F.R. §1.131 declaration and an accompanying evidentiary showing.

A suitable declaration of Christopher Kay, Ph.D., pursuant to 37 C.F.R. §1.131 (“the Rule 131 declaration”) and accompanying evidentiary showing are filed herewith. These papers demonstrate that, based on their activities in the United Kingdom, the inventors possessed at least as much as is shown in Ikehira at least as early as May 25, 2002 (the earliest date that Ikehira presumptively qualifies as prior art against the instant application), and subsequent to December 31, 1995.

Because the inventors possessed at least as much as is shown in Ikehira prior to the effective U.S. filing date of Ikehira, it is respectfully submitted that the art-based rejections over Ikehira have been overcome and should be withdrawn.

CONCLUSION

It is submitted that the application is in condition for allowance. Should the examiner wish to discuss the foregoing, or any matter of form or procedure in an effort to advance this application to allowance, the examiner is respectfully invited to contact the undersigned attorney at the indicated telephone number.

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP

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Andrew M. Lawrence, Reg. No. 46,130
Attorney for Applicants
6300 Sears Tower
233 S. Wacker Drive
Chicago, Illinois 60606-6357
(312) 474-6300